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09/805,157	03/14/2001	Hajime Matsubara	26.1699	1765

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EXAMINER	
DURAN, ARTHUR D	

ART UNIT	PAPER NUMBER
3622	

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/805,157	MATSUBARA, HAJIME	
	Examiner	Art Unit	
	Arthur Duran	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 February 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5 and 7-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5 and 7-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-5 and 7-18 have been examined.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/25/05 has been entered.

Response to Amendment

3. The Amendment filed on 2/25/05 is insufficient to overcome the Haitsuka, Cohen, and Takayama reference.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-4, 7, 9-12, 14-17, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haitsuka (6,366,298) in view of Cohen (6,236,330) and in further view of Takayama (6,381,534).

Claim l, 7, 12, 18: Haitsuka discloses a method, medium transmitting advertising information, comprising:

receiving position information from a client (col 5, line 59-col 6, line 4; col 6, lines 42-45);

determining a passage count of the client in a predetermined advertising information transmission area in which the position information belongs and storing the passage count; and transmitting to the client advertising information according to the passage count of the client in the transmission area (Fig. 3; col 3, lines 60-65; col 5, lines 27-44; col 5, lines 59-col 6, line 4; col 6, lines 24-34; col 7, lines 2-5).

Haitsuka further discloses tracking what advertisements a user was exposed, how many exposures a user was presented, and the frequency of exposure to advertisements (col 2, lines 62-67; col 6, lines 17-27).

Haitsuka does not explicitly disclose defining transmission areas.

However, as disclosed above in the prior art references, Haitsuka discloses tracking and recording a variety of user information including demographic, profile, and geographic information including specific user location or the general user location. Haitsuka further discloses that a variety of criteria can be utilized for determining whether to send advertising to a user, including geographic criteria in many forms.

Additionally, Cohen discloses defining transmission areas (col 1, line 60-col 2, line 17; Fig. 2; Fig. 3).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to that Haitsuka can utilize geographic area information or user

frequency in a geographic area as criteria for transmission of advertising. One would have been motivated to do this in order to provide advertising of location convenient interest to a user.

Haitsuka further discloses that the client can be mobile (col 4, lines 12-30).

Haitsuka further discloses recording the number of times a user sees an advertisement (col 2, lines 55-60) and recording the frequency or number of times a users sees an advertisement and that geographic location can be a requirement for whether the user sees an advertisement (col 6, lines 17-27).

Haitsuka further discloses tracking user location, profile, demographics, interactive data, scheduling requirements (col 3, lines 60-65) and that this information can be utilized for sending information (col 5, lines 30-44; col 6, lines 24-29).

Cohen discloses geographic zones for advertising (col 1, lines 27-40 and as cited above) and that the number of displays of an advertisement in a predefined geographic zone is recorded (col 5, lines 20-34).

Additionally, Haitsuka discloses tracking a user geographically and that a variety of rules can be utilized for determining to send advertising (Fig. 3).

Haitsuka further discloses changing advertisements after certain periods of time (col 2, lines 48-50) and recording what advertisements a user was exposed to, for how long, when, etc (col 2, lines 62-67) and controlling the frequency of which a user sees an advertisement (col 6, lines 17-27).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to that Haitsuka can utilize user exposure to advertising or time duration

of exposure as a parameter of whether to show a user new advertising or not. One would have been motivated to do this in order to better control the amount of exposure a user receives to particular advertisements.

Additionally, Takayama discloses that the passage count including a number of times the mobile client passes within the predetermined advertising information transmission area can be utilized to determine whether or not to send advertising information (col 4, line 64-col 5, line 21).

Additionally, Takayama discloses that advertising content can be sent to the mobile user (Fig. 38, item 520; col 5, lines 9-21).

Takayama discloses flexibility in terms of sending content and time and area variables:

"(15) An object of the present invention is to develop and improve the above-described technology for presenting the above-described navigation information. Another object of the present invention is to provide a presenting means that allows restrictions about time representing whether time described in time information (such as departure time, period of stay, and arrival time) is restricted at what important level, restrictions about a point representing whether a point described in point information is restricted as a transit point at what important level, and restrictions about a point representing whether a point can be omitted depending on conditions about time to be described and that outputs navigation information corresponding to the restrictions so as to flexibly present navigation information with respect to time and point (col 2, lines 35-50);

(17) The present invention is a navigation information presenting apparatus for presenting navigation information corresponding to a situation to a user, comprising an

inputting device for inputting a navigation script including a sequence of instructions describing navigation information and restriction information according to a predetermined specification, the navigation information being output corresponding to one of time information and point information and to one of presentation time and presentation point, the restriction information corresponding to one of the time information and the point information, a situation device for obtaining one situation of a current time and a current point or generating one situation of a virtual current time and a virtual current point, an adjusting device for adjusting one of time descried in the time information and point described in the point information using the situation obtained or generated by said situation device, one of the time information and the point information, and the restriction information, an executing device for executing an instruction described in an adjusted navigation script corresponding to a situation obtained or generated by said situation device, and a presenting device for outputting navigation information corresponding to the execution of the instruction and presenting the navigation information to the user" (col 2, line 61- col 3, line 18).

Takayama teaches counting the number of times a mobile client passes within an area within a predetermined period of time; and, assuming that the passages repeatedly occur within a pre-assigned time period, that these passages are counted as one passage only (see below citations; in reference to 'period of time', note the "attribute in a time range described in the 'time' element" citation below):

"(29) The present invention is the navigation data processing method comprising the steps of when the number of output times of navigation information has been designated to navigation information described in the navigation script, outputting the navigation information

whenever the user enters the predetermined area and decrementing the number of output times by 1, and when the number of output times becomes 0, preventing the navigation information from being output even if the user enters the designated area. Thus, even in a route of which the user frequently enters and exit a particular area, navigation information can be output a predetermined number of times.

(30) The present invention is the navigation data processing method comprising the steps of presenting navigation information that matches one of time information and point information described in the navigation script corresponding to one of timing information of generated time, timing information of generated place, measured real time, and measured real place to the user, and presenting one of a predetermined advertisement and other general information, while no navigation information is being output. Thus, when necessary, navigation information is output. When not necessary, other types of information (such as advertisements) are output. Thus, guides may be expected to be presented free of charge" (col 4, line 64-col 5, line 21).

(1415) In the case of a guide point (guide), since the vehicle may repeatedly enter and exit an area thereof, the number of presentation times of the guide can be designated. The number of presentation times is managed on the navigation information management table 130. Whenever the information is presented, the value of the number of presentation times is decremented by 1. When the value of the number of presentation times becomes 0, the information presentation timing controlling portion 10 deletes the guide from the navigation information management table 130. In addition, a guide point can be designated "any-times".

In the case, whenever the vehicle enters a predetermined area, information is output (col 47, lines 19-31);

(1373) A "times" attribute is valid only when the parent element of the "info" element is a "guide" element. When there is a "point" element as a brother element of the "info" element, whenever the user enters an area of a point described in an "area" attribute, information described in an "info" element is output a number of times described in the "times" attribute. When there is not a "point" element as a brother element of the "info" element (namely, there is only a "time" element as a brother element), depending on the system, information described in the "info" element may be output a number of times described in the "times" attribute in a time range described in the "time" element. The "times" attribute has the following values (col 44, lines 11-24);

(1374) (0.vertline.[1-9] [0-9]*).vertline."any-times"

(1375) "any-times" represents that information can be output any number of times. The "times" attribute does not have a default value. When the value of the "times" attribute is not designated, the system determines the number of times of the output of information.

(1376) The following example represents "when the user arrives in an area of 1 km of the radius of a point (Point No. 92), after the arrival time, a guide (Guide Sample No. 92) is output in the text and voice formats up to three times". In other words, whenever the user enters and exits a designated area, a guide is output up to three times"(col 44, lines 24-35).

Takayama further discloses that there is a time range or period where the passage counts are counted and that passage counts for delivering content can be limited within a predetermined time range or period:

"(1307) if there are a "time" element and a "point" element as brother elements of the "info" element,

(1308) the start time is time at which the user enters an area described in the "area" attribute in a time range described in the "time" element (the start time is re-designated whenever the user enters the area) (col 42, lines 37-44);

(1345) When the parent element of the "info" element is a "guide" element,

(1346) information is continuously output until the current time exceeds the time range described in a "time" element of a brother element of the "info" element or until the current point exceeds an area of a point described in a "point" element as a brother element of the "info" element (col 43, lines 31-40);

(1373) A "times" attribute is valid only when the parent element of the "info" element is a "guide" element. When there is a "point" element as a brother element of the "info" element, whenever the user enters an area of a point described in an "area" attribute, information described in an "info" element is output a number of times described in the "times" attribute. When there is not a "point" element as a brother element of the "info" element (namely, there is only a "time" element as a brother element), depending on the system, information described in the "info" element may be output a number of times described in the "times" attribute in a time range described in the "time" element. The "times" attribute has the following values" (col 44, lines 11-24).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to that Haitsuka can utilize geographic area information or user frequency in a geographic area in a certain time period as criteria for transmission of advertising. One would have been motivated to do this in order to provide appropriate or optimal amounts of targeted advertising to users.

Also, note that because of the variable control disclosed in Takayama that Takayama can send new content every time a user passes an area or only once regardless how many times a user passes an area.

Claim 2: Haitsuka and Cohen and Takayama disclose the method according to claim 1. Haitsuka further discloses that the advertising information according to the passage count of the client in the transmission area is transmitted to the client in response to reception from the client of a request to transmit advertising information (col 4, lines 52-56).

Claim 3: Haitsuka and Cohen and Takayama disclose the method according to claim 1.

Haitsuka does not explicitly disclose that the advertising information is transmitted in the passage count of the client has reached a predetermined value.

However, Haitsuka discloses monitoring user activities including geographic activity, that the advertiser can utilize a wide range of criteria for sending advertising (Fig. 3; col 6, lines 13-28), and that the frequency of advertisements can be set (col 6, lines 13-28).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Haitsuka can make user visits to a certain area a criteria for sending advertisements. One would have been motivated to do this in order to target users who are often in a certain area.

Claim 4: Haitsuka and Cohen and Takayama disclose the method according to claim 1. Haitsuka does not explicitly disclose that neighboring transmission areas are set up to overlap each other, and, in the overlapping portion of the transmission areas, advertising information according to the passage count of the client in each of the overlapping transmission areas is transmitted in accordance with predetermined rules.

However, Cohen discloses that neighboring transmission areas are set up to overlap each other, and, in the overlapping portion of the transmission areas, advertising information according to the passage count of the client in each of the overlapping transmission areas is transmitted in accordance with predetermined rules (col 5, lines 45-52; col 1, lines 34-39; col 1, lines 52-56).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Cohen's overlapping zones with advertising to Haitsuka's targeting advertising geographically to a user. One would have been motivated to do this in order to provide a range of advertisements for different areas or overlapping areas.

Claim 9: Haitsuka and Cohen and Takayama disclose the method according to claim 1, and Haitsuka further disclose that the transmission area is divided in transmission time periods, and a different piece of advertising information to be transmitted to the client in the transmission area is registered for each transmission time period (col 2, lines 48-50; col 6, lines 17-27).

Claim 10: Haitsuka and Cohen and Takayama disclose the method according to claim 9, and Haitsuka further disclose that different pieces of advertising information according to the transmission area and the transmission time periods are transmitted to the client (col 2, lines 50-60; Fig. 3, item 140f).

Claim 11: Haitsuka and Cohen and Takayama disclose the method according to claim 10, and Haitsuka further disclose that when the client is passing through the transmission area, advertising information according to the passage count in the corresponding the transmission time period is transmitted to the client (Fig. 3).

Claim 14, 15: Haitsuka discloses a method, medium receiving advertising information, medium comprising:

transmitting position information of a client sequentially to a server (col 5, line 59-col 6, line 4; col 6, lines 42-45);

receiving from the server advertising information according to the count of passage through that transmission area at that time, when passing through an advertising information transmission area in which the position information belongs (Fig. 3; col 3, lines 60-65; col 5, lines 27-44; col 5, lines 59-col 6, line 4; col 6, lines 24-34; col 7, lines 2-5).

Haitsuka further discloses tracking what advertisements a user was exposed, how many exposures a user was presented, and the frequency of exposure to advertisements (col 2, lines 62-67; col 6, lines 17-27).

Haitsuka does not explicitly disclose defining transmission areas.

However, as disclosed above in the prior art references, Haitsuka discloses tracking and recording a variety of user information including demographic, profile, and geographic information including specific user location or the general user location. Haitsuka further discloses that a variety of criteria can be utilized for determining whether to send advertising to a user, including geographic criteria in many forms.

Additionally, Cohen discloses defining transmission areas (col 1, line 60-col 2, line 17; Fig. 2; Fig. 3).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to that Haitsuka can utilize geographic area information or user frequency in a geographic area as criteria for transmission of advertising. One would have been motivated to do this in order to provide advertising of location convenient interest to a user.

Hairsuka further discloses that the client can be mobile (col 4, lines 12-30).

Haitsuka further discloses recording the number of times a user sees an advertisement (col 2, lines 55-60) and recording the frequency or number of times a users sees an advertisement and that geographic location can be a requirement for whether the user sees an advertisement (col 6, lines 17-27).

Haitsuka further discloses tracking user location, profile, demographics, interactive data, scheduling requirements (col 3, lines 60-65) and that this information can be utilized for sending information (col 5, lines 30-44; col 6, lines 24-29).

Cohen discloses geographic zones for advertising (col 1, lines 27-40 and as cited above) and that the number of displays of an advertisement in a predefined geographic zone is recorded (col 5, lines 20-34).

Additionally, Takayama discloses that the passage count including a number of times the mobile client passes within the predetermined advertising information transmission area can be utilized to determine whether or not to send advertising information (col 4, line 64-col 5, line 21).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to that Haitsuka can utilize geographic area information or user frequency in a geographic area in a certain time period as criteria for transmission of advertising. One would have been motivated to do this in order to provide appropriate or optimal amounts of targeted advertising to users.

Also, please see the rejection of claims 1, 7, 12, 18 above for a full analysis of the use of the Takayama reference.

Claim 16: Haitsuka discloses a method receiving advertising information, comprising:

transmitting position information of a client sequentially to a server (col 5, line 59-col 6, line 4; col 6, lines 42-45);

transmitting a request for transfer to the server (Fig. 3);

receiving the count of passage through a transmission area for the advertising information at the time of transmission of the transfer request or corresponding incentive information to the passage count (Fig. 3; col 3, lines 60-65; col 5, lines 27-44; col 5, lines 59-col 6, line 4; col 6, lines 24-34; col 7, lines 2-5); and

storing the received passage count or incentive information on a portable external storage medium (col 4, lines 13-20).

Haitsuka further discloses tracking what advertisements a user was exposed, how many exposures a user was presented, and the frequency of exposure to advertisements (col 2, lines 62-67; col 6, lines 17-27).

Haitsuka does not explicitly disclose defining transmission areas.

However, as disclosed above in the prior art references, Haitsuka discloses tracking and recording a variety of user information including demographic, profile, and geographic information including specific user location or the general user location. Haitsuka further discloses that a variety of criteria can be utilized for determining whether to send advertising to a user, including geographic criteria in many forms.

Additionally, Cohen discloses defining transmission areas (col 1, line 60-col 2, line 17; Fig. 2; Fig. 3).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to that Haitsuka can utilize geographic area information or user frequency in a geographic area as criteria for transmission of advertising. One would have been motivated to do this in order to provide advertising of location convenient interest to a user.

Hairsuka further discloses that the client can be mobile (col 4, lines 12-30).

Haitsuka further discloses recording the number of times a user sees an advertisement (col 2, lines 55-60) and recording the frequency or number of times a users sees an advertisement and that geographic location can be a requirement for whether the user sees an advertisement (col 6, lines 17-27).

Haitsuka further discloses tracking user location, profile, demographics, interactive data, scheduling requirements (col 3, lines 60-65) and that this information can be utilized for sending information (col 5, lines 30-44; col 6, lines 24-29).

Cohen discloses geographic zones for advertising (col 1, lines 27-40 and as cited above) and that the number of displays of an advertisement in a predefined geographic zone is recorded (col 5, lines 20-34).

Additionally, Takayama discloses that the passage count including a number of times the mobile client passes within the predetermined advertising information transmission area can be utilized to determine whether or not to send advertising information (col 4, line 64-col 5, line 21).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to that Haitsuka can utilize geographic area information or user frequency in a geographic area in a certain time period as criteria for transmission of advertising. One would have been motivated to do this in order to provide appropriate or optimal amounts of targeted advertising to users.

Also, please see the rejection of claims 1, 7, 12, 18 above for a full analysis of the use of the Takayama reference.

5. Claim 5, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haitsuka (6,366,298) in view of Cohen (6,236,330) in further view of Takayama (6,381,534) and in further view of Bandera (6,332,127).

Claim 5, 13: Haitsuka discloses a method transmitting advertising information, comprising:

setting up conditions assigning targeted advertising and advertising information in a predetermined advertising information transmission area (col 2, lines 50-60);

receiving position information from a number of clients (col 5, line 59-col 6, line 4; col 6, lines 42-45);

determining the state of passage of each of the clients in the transmission area in which the position information from the clients belong (Fig. 3; col 3, lines 60-65; col 5, lines 27-44; col 5, lines 59-col 6, line 4; col 6, lines 24-34; col 7, lines 2-5); and

assigning the advertising information to the client or clients that meet the conditions on the basis of the state of passage (col 2, lines 50-60; Fig. 3; col 3, lines 60-65; col 5, lines 27-44; col 5, lines 59-col 6, line 4; col 6, lines 24-34; col 7, lines 2-5).

Haitsuka further discloses tracking what advertisements a user was exposed, how many exposures a user was presented, and the frequency of exposure to advertisements (col 2, lines 62-67; col 6, lines 17-27).

Haitsuka does not explicitly disclose defining transmission areas.

However, as disclosed above in the prior art references, Haitsuka discloses tracking and recording a variety of user information including demographic, profile, and geographic information including specific user location or the general user location. Haitsuka further discloses that a variety of criteria can be utilized for determining whether to send advertising to a user, including geographic criteria in many forms.

Additionally, Cohen discloses defining transmission areas (col 1, line 60-col 2, line 17; Fig. 2; Fig. 3).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to that Haitsuka can utilize geographic area information or user frequency in a geographic area as criteria for transmission of advertising. One would have been motivated to do this in order to provide advertising of location convenient interest to a user.

Haitsuka does note explicitly disclose incentives distinct from advertising.

However, Bandera further discloses incentives distinct from advertising (col 3, lines 19-42).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Bandera's incentives and advertising to Haitsuka's advertising for promotional purposes. One would have been motivated to do this in order to keep better track of different types of advertising and the response to different types of advertising.

Hairsuka further discloses that the client can be mobile (col 4, lines 12-30).

Haitsuka further discloses recording the number of times a user sees an advertisement (col 2, lines 55-60) and recording the frequency or number of times a users sees an advertisement and that geographic location can be a requirement for whether the user sees an advertisement (col 6, lines 17-27).

Haitsuka further discloses tracking user location, profile, demographics, interactive data, scheduling requirements (col 3, lines 60-65) and that this information can be utilized for sending information (col 5, lines 30-44; col 6, lines 24-29).

Cohen discloses geographic zones for advertising (col 1, lines 27-40 and as cited above) and that the number of displays of an advertisement in a predefined geographic zone is recorded (col 5, lines 20-34).

Additionally, Takayama discloses that the passage count including a number of times the mobile client passes within the predetermined advertising information transmission area can be utilized to determine whether or not to send advertising information (col 4, line 64-col 5, line 21).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to that Haitsuka can utilize geographic area information or user frequency in a geographic area in a certain time period as criteria for transmission of advertising. One would have been motivated to do this in order to provide appropriate or optimal amounts of targeted advertising to users.

Also, please see the rejection of claims 1, 7, 12, 18 above for a full analysis of the use of the Takayama reference.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haitsuka (6,366,298) in view of Cohen (6,236,330) in further view of Takayama (6,381,534) and in further view of Gough (6,360,221).

Claim 8: Haitsuka and Cohen and Takayama disclose the method according to claim 1.

Haitsuka further discloses fees and user control over content (col 2, lines 35-41; col 4, lines 53-56).

Haitsuka does not explicitly disclose that the transmission of advertising information to the client is omitted as instructed by the client.

However, Gough discloses that the transmission of advertising information to the client is omitted as instructed by the client (col 6, lines 30-36).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Gough's omission of advertisements to Haitsuka's user control of content. One would have been motivated to do this in order to provide better user control over user paid services.

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haitsuka (6,366,298) in view of Cohen (6,236,330) in further view of Takayama (6,381,534) and in further view of Eggelston (6,061,660).

Claim 17: Haitsuka discloses a method receiving advertising information, comprising:

receiving a transmission management database which defines transmission criteria for advertising information (Fig. 3, 140c);

retrieving from the database a count of passage through the transmission area through which it is passing based on position information of a client, and storing the count of passage (Fig. 3; col 3, lines 60-65; col 5, lines 27-44; col 5, lines 59-col 6, line 4; col 6, lines 24-34; col 7, lines 2-5);

transmitting to the server a request for transmission of advertising information and the passage count (Fig. 3; col 3, lines 60-65; col 5, lines 27-44; col 5, lines 59-col 6, line 4; col 6, lines 24-34; col 7, lines 2-5); and

receiving from the server advertising information according to the passage count in the transmission area at time of the transmitting (Fig. 3; col 3, lines 60-65; col 5, lines 27-44; col 5, lines 59-col 6, line 4; col 6, lines 24-34; col 7, lines 2-5).

Haitsuka further discloses tracking what advertisements a user was exposed, how many exposures a user was presented, and the frequency of exposure to advertisements (col 2, lines 62-67; col 6, lines 17-27).

Haitsuka does not explicitly disclose defining transmission areas.

However, as disclosed above in the prior art references, Haitsuka discloses tracking and recording a variety of user information including demographic, profile, and geographic

information including specific user location or the general user location. Haitsuka further discloses that a variety of criteria can be utilized for determining whether to send advertising to a user, including geographic criteria in many forms.

Additionally, Cohen discloses defining transmission areas and the utilization of advertising (col 1, line 60-col 2, line 17; Fig. 2; Fig. 3).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to that Haitsuka can utilize geographic area information or user frequency in a geographic area as criteria for transmission of advertising. One would have been motivated to do this in order to provide advertising of location convenient interest to a user.

Eggleston further discloses the utilization of awards points as an incentive and related to advertising purposes.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Eggleston's utilization of points to Haitsuka's advertising. One would have been motivated to do this in order to entice regular users.

Hairsuka further discloses that the client can be mobile (col 4, lines 12-30).

Haitsuka further discloses recording the number of times a user sees an advertisement (col 2, lines 55-60) and recording the frequency or number of times a users sees an advertisement and that geographic location can be a requirement for whether the user sees an advertisement (col 6, lines 17-27).

Haitsuka further discloses tracking user location, profile, demographics, interactive data, scheduling requirements (col 3, lines 60-65) and that this information can be utilized for sending information (col 5, lines 30-44; col 6, lines 24-29).

Cohen discloses geographic zones for advertising (col 1, lines 27-40 and as cited above) and that the number of displays of an advertisement in a predefined geographic zone is recorded (col 5, lines 20-34).

Additionally, Takayama discloses that the passage count including a number of times the mobile client passes within the predetermined advertising information transmission area can be utilized to determine whether or not to send advertising information (col 4, line 64-col 5, line 21).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to that Haitsuka can utilize geographic area information or user frequency in a geographic area in a certain time period as criteria for transmission of advertising. One would have been motivated to do this in order to provide appropriate or optimal amounts of targeted advertising to users.

Also, please see the rejection of claims 1, 7, 12, 18 above for a full analysis of the use of the Takayama reference.

Response to Arguments

8. Applicant's arguments with respect to claims 1-5, and 7-18 have been considered but are not found persuasive. Please note that additional citations and analysis added to the rejection of the claims 1, 7, 12, 18 above starting with the section stating, "Additionally, Haitsuka discloses tracking a user geographically and that. . .".

In contrast to what the Amendment dated 2/25/05 states on page 9, the combined art with Takayama teaches counting the number of times a mobile client passes within an area within a

predetermined period of time; and, assuming that the passages repeatedly occur within a pre-assigned time period, that these passages are counted as one passage only (see above rejection of claims 1, 7, 12, and 18 with citations and analysis).

Examiner notes that while specific references were made to the prior art, it is actually also the prior art in its entirety and the combination of the prior art in its entirety that is being referred to. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In reference to why an Advisory Action was sent in response to the After-Final Amendment the Applicant sent on January 31, 2005, as noted in the Advisory Action dated 2/17/05, Applicant added new claim 18 with new features after-Final.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (571) 272-6718. The examiner can normally be reached on Mon- Fri, 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Arthur Duran
Patent Examiner
4/11/05